

REMARKS

This Amendment is in response to the Final Office Action dated November 25, 2003. Claims 1-25 are pending in this application. By this Amendment, Applicants have amended claims 1, 2 and 17. Reconsideration of all of the pending claims is respectfully requested.

Claims 1-14, 16-22, 23, 25 and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,391,044 to Yadav et al., (the "Yadav patent"). Claims 1 and 17 have been amended to include the recitation that the filtering assembly includes an expandable structure formed from a portion of the tubular shaft member. Claim 22 includes a similar recitation that the self-expanding filtering structure is formed from a portion of the tubular member. Simply put, the Yadav patent fails to disclose a filtering assembly which utilizes an expandable structure formed from a portion of the tubular shaft member in any of the embodiments shown in FIGS. 1-13. Rather, quite the opposite, the splines utilized in the disclosed embodiments of the Yadav patent are described as wires which must be attached to the tubular shaft member (142) at locations in the recess formed on the tubular shaft (142) (see column 7, lines 35-43). Accordingly, the splines or structural wires, as they refer to in the Yadav patent, are separate components which must be first formed and then attached to the tubular shaft member (142). Applicants' claimed invention, on the other hand, as recited in the pending claims, eliminates the need for a separate bonding or attachment procedure for attaching the

expandable structure (for example, the splines) to the tubular shaft member since the expandable structure is actually formed from a portion of the tubular shaft member.

Applicants note that the Examiner, in rejecting claims 22 and 23 in the Office Action, failed to provide any point of reference in the Yadav patent which shows the splines or wires being made from a portion of the tubular shaft member. This further supports Applicants' position that the Yadav patent fails to disclose the claimed structure. Applicants respectfully request the Examiner to withdraw the Yadav patent as an anticipatory reference to the pending claims.

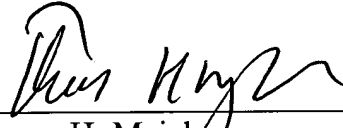
Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yadav patent in view of the U.S. Patent No. 5,108,419 to Reger et al. ("the Reger patent"). The Reger patent also fails to disclose a self-expanding filter structure formed from a portion of the tubular shaft member. In view of the failure of the Yadav patent to disclose the basic structure recited in claim 22, as addressed above, the combination of the Yadav patent with the Reger patent also fails to achieve the particular combination of elements recited in claim 24. Applicants respectfully request that the §103(a) rejection be withdrawn as to claim 24.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request
that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Thomas H. Majcher
Registration No. 31,119

THM:mjm

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
38964.1